

Remarks

The Applicants note with appreciation the Examiner's helpful comments concerning potential revision of Claims 1, 3, 21, 23, 24, 25 and 29 – 33 to place them into proper form for allowance.

Claims 1, 3, 24 and 26 have accordingly been amended to clarify that the recited Young's modulus elongation and tensile strength are properties of the biaxially oriented polyolefin polymer layer. Claim 24 has also been amended to add "said" before "laminate film." Claim 21 has been amended to change the dependency from Claim 19 to Claim 20. Finally, Claim 25 has been amended to delete the original subject matter and substitute language reciting that the polyolefin polymer layer has a Young's modulus of about 350,000 to about 400,000 psi. Support may be found in the claims as originally filed and in the Specification at page 2, for example. Several other of the claims have been amended to correct typographical or grammatical errors. The Applicants accordingly respectfully submit that all of the claims are now in proper form and request withdrawal of the rejection under 35 U.S.C. §112.

The Applicants acknowledge the 35 U.S.C. §102 rejection of Claims 1 – 21, 23 – 42 and 44 as being anticipated by Nagai. The Applicants fully agree that Nagai discloses a metallized, biaxially oriented polypropylene film having various characteristics. However, in view of the clarification of the independent claims, as discussed above, it is now clear that the laminate film of Claims 1 – 21, 23 – 42 and 44 have a Young's modulus of about 350,000 psi or more. This is sharply different from the Young's modulus of Nagai. In that regard, the Applicants invite the Examiner's attention to Tables 2 and 6 of Nagai, wherein Young's moduli are shown for the various Examples of Nagai. It can be seen that the Young's modulus ranges from 1.2 up to 2.0 GPa. Taking the highest modulus of 2.0 GPa and converting it to psi results in a Young's modulus of 290,276 psi. Accordingly, Nagai

discloses a maximum Young's modulus of about 290,000 psi. Careful scrutiny of the remaining text of Nagai reveals that there is no discussion concerning Young's modulus. Thus, the disclosure of Nagai as it relates to Young's modulus is limited to those Examples. In any event, the about 290,000 psi Young's modulus of Nagai is sharply different from the claimed Young's modulus of about 350,000 psi or more. Inasmuch as Nagai discloses a maximum Young's modulus of about 290,000 psi, Nagai both explicitly and implicitly fails to disclose the claimed Young's modulus of about 350,000 psi or more. The Applicants accordingly respectfully submit that Nagai is inapplicable to Claims 1 – 21, 23 – 42 and 44. Withdrawal of the 35 U.S.C. §102 rejection is respectfully requested.

The Applicants acknowledge the rejection of Claims 22 and 43, based on the hypothetical combination of Isaka, Migliorini or Murschall with Nagai. The Applicants respectfully submit that, even if one of ordinary skill in the art were to make the hypothetical combination, the contribution of the three secondary references to the disclosure of Nagai would still fail to teach or suggest the invention as recited in Claims 22 and 43. As noted above, Nagai discloses a maximum Young's modulus of about 290,000 psi, which is sharply different from the claimed Young's modulus of about 350,000 psi or more. None of the secondary references provide teachings or suggestions that would lead one of ordinary skill in the art to make modifications that would or could result in a Young's modulus of about 350,000 psi or more. Their concerns lie elsewhere. Careful scrutiny of all three secondary references reveals that they simply do not discuss Young's modulus, much less teach or suggest the claimed Young's modulus of about 350,000 psi or more. Thus, as noted above, even if one of ordinary skill in the art were to make the hypothetical combination, the resulting laminate film would still not be a laminate film that teaches or suggests the laminate film of Claims 22 and 43. Withdrawal of the 35 U.S.C. §103 rejection is respectfully requested.

In light of the foregoing, we respectfully submit that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



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